EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
SOUTHERN DIVISION

UNITED STATES OF AMERICA)
)
Ex Rel)
VEN-A-CARE OF THE)
FLORIDA KEYS, INC.)
a Florida Corporation,)
by and through its principal)
officers and directors,)
ZACHARY T. BENTLEY and)
T. MARK JONES,)
)
Plaintiff,)
v.)
)
BRISTOL-MYERS SQUIBB COMPANY)
a/k/a BRISTOL-MYERS ONCOLOGY)
DIVISION/HIV PRODUCTS;)
CETUS ONCOLOGY CORPORATION;)
CHIRON CORPORATION;)
ELKINS-SINN, INC.;)
FUJISAWA USA, INC.;)
GENSIA LABORATORIES, LTD.;)
HENRY SCHEIN, INC.;)
IMMUNEX CORPORATION;)
LEDERLE ONCOLOGY)
CORPORATION;)
PHARMACIA, INC.;)
SOLOPAK PHARMACEUTICALS, INC.)
)
Defendants.)

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CIVIL ACTION NO. 95-1354-CIV-MARCUS

FILED IN CAMERA AND UNDER SEAL

AMENDED COMPLAINT
FOR MONEY DAMAGES AND CIVIL PENALTIES UNDER THE FALSE CLAIMS ACT 31 U.S.C. §§3729-3732

COMES NOW, the UNITED STATES OF AMERICA ("UNITED STATES" or "GOVERNMENT"), by and through VEN-A-CARE OF THE FLORIDA KEYS, INC. ("VEN-A-

CARE" or "the Relator"), and its principal officers and directors, ZACHARY T. BENTLEY, and T. MARK JONES, and by the undersigned attorneys on behalf of the UNITED STATES and on the Relator's own behalf and bring this action against BRISTOL-MYERS SQUIBB COMPANY a/k/a BRISTOL-MYERS ONCOLOGY DIVISION/HIV PRODUCTS; CETUS ONCOLOGY CORPORATION; CHIRON CORPORATION; ELKINS-SINN, INC.; FUJISAWA USA, INC.; GENSIA LABORATORIES, LTD.; HENRY SCHEIN, INC.; IMMUNEX CORPORATION; LEDERLE ONCOLOGY CORPORATION; PHARMACIA, INC., and SOLOPAK PHARMACEUTICALS, INC. (sometimes referred to collectively as, "DEFENDANT DRUG MANUFACTURERS"), for money damages and civil penalties arising out of the DEFENDANT DRUG MANUFACTURERS' violations of the Federal False Claims Act, 31 U.S.C., §§ 3729-3732 from on or about June 23, 1989 to the present date.

SECTION NO. 1

SUMMARY OF THE ACTION

1. This is an action for damages, treble damages, civil penalties and costs against the DEFENDANT DRUG MANUFACTURERS arising from their repeated and knowing reporting and use of grossly inflated, false and fraudulent price and cost records and statements regarding certain pharmaceutical products specified herein and manufactured and/or sold by them. The specified pharmaceuticals are ordinarily sold by the DEFENDANT DRUG MANUFACTURERS directly or through wholesalers to physicians or outpatient clinics, such as oncology group physician practices, and to specialty infusion pharmacies, such as the Relator, which then provide the drugs and related supplies directly

to the patient intravenously or by injection. These infusion and injectable drugs are primarily used to treat the most seriously ill patients who are afflicted with cancer, Acquired Immune Deficiency Syndrome ("AIDS"), severe infections and respiratory diseases. The false and fraudulent price and cost records and statements were knowingly reported and used by the Defendants in a manner whereby they were relied upon by the United States Medicare Program and by federally funded States' Medicaid Programs paying claims for the pharmaceuticals specified herein sold by the DEFENDANT DRUG MANUFACTURERS. As a direct and proximate result of the false and fraudulent price and cost records and statements made by the DEFENDANT DRUG MANUFACTURERS, the Medicare and Medicaid programs paid and approved claims for the pharmaceuticals specified herein of the DEFENDANT DRUG MANUFACTURERS in amounts that grossly and materially exceeded the reasonable payment amount for such pharmaceuticals permitted by the applicable federal law. The claims for payment in grossly excessive amounts were false claims because they were for amounts that exceeded the reasonable amount permitted to be paid under applicable law and they were fraudulent claims because they were paid in such excessive amounts only because of the falsely inflated price and cost records and statements knowingly made and used by the DEFENDANT DRUG MANUFACTURERS. The Defendants thus caused the presentation of false and fraudulent claims for payment and approval. Additionally, the Defendants' false reports of price and cost information constituted false statements and/or records that were made and used for the purpose of getting false or fraudulent claims approved or paid.

Pages 3-105 redacted

CIVIL ACTION NO. 95-1354-CIV-MARCUS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 28th day of March, 1997, I caused an original and a copy of this Amended Complaint to be filed under seal and in camera for sixty (60) days and not to be served on the Defendants named herein or until further order of this Honorable Court.

I HEREBY CERTIFY that prior to this 28th day of March, 1997, I caused a copy of this Amended Complaint and written disclosure of substantially all material evidence and information the Relator, VEN-A-CARE possesses to be served on the Government pursuant to Rule 4(i), Fed.R.Civ.P., prior to the filing of this Amended Complaint by delivering a copy of the Summons, Amended Complaint, material evidence and information to the United States Attorney for the Southern District of Florida, and by sending a copy of the Summons, Amended Complaint, material evidence and information by Certified Mail, Return Receipt Requested, to the Attorney General of the United States in Washington, D.C.

Respectfully submitted,

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